

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Center Khurasan Construction Company,

Plaintiff

v.

JS International, Inc.,

Defendant

Case No. 2:25-cv-00191-CDS-NJK

Order Adopting Magistrate Judge's
Report and Recommendation

[ECF No. 8]

Plaintiff Center Khurasan Construction Company (“CKCC”) seeks to register a foreign judgment, apply for a judgment debtor exam, and obtain a writ of execution. ECF Nos. 1–3. On February 24, 2025, United States Magistrate Judge Nancy Koppe denied CKCC’s motions because “[a] corporation may appear in federal court only through licensed counsel.” Order, ECF No. 4 (quoting *United States v. High Country Broad. Co.*, 3 F.3d 1244, 1245 (9th Cir. 1993)). Judge Koppe ordered CKCC to retain licensed counsel to represent it in this case. ECF No. 4. CKCC sought reconsideration of Judge Koppe’s order. Mot., ECF No. 5. Although its motion was denied because (1) it failed to meet the standard for reconsideration, and (2) corporations are not permitted to proceed pro se, Judge Koppe extended the deadline for CKCC to retain licensed counsel. Order, ECF No. 6. After the April 21, 2025 deadline expired without CKCC complying or otherwise responding, Judge Koppe sua sponte extended the deadline for CKCC to retain licensed counsel and file a notice of appearance. Order, ECF No. 7. CKCC had until May 7, 2025, to comply but that deadline also expired without response so Judge Koppe issued the instant report and recommendation (R&R) that this case be dismissed without prejudice. R&R, ECF No. 8. CKCC had until May 27, 2025, to file any specific, written objections to the magistrate judge’s R&R. *Id.* (citing Local Rule IB 3-2 (stating that parties wishing to object to the findings and recommendations must file specific written objections within fourteen days)); *see also* 28 U.S.C. §

636(b)(1)(C) (same). Three weeks have passed, and CKCC has not objected to the recommendation of dismissal.

I. Discussion

The law is clear that “no review is required of a magistrate judge’s report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Although de novo review is not required, I nonetheless made an independent review here. The record demonstrates that, despite several opportunities to comply, there is no notice of appearance by an attorney on CKCC’s behalf. Indeed, it is a longstanding rule that “[c]orporations and other unincorporated associations must appear in court through an attorney.” *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (citing *C.E. Pope Equity Trust v. United States*, 818 F.2d 696, 697-98 (9th Cir. 1987)). Thus, I concur with the magistrate judge’s recommendation and dismiss this case for CKCC’s failure to comply with the court’s orders to retain counsel.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d at 831.

The first two factors, the public’s interest in expeditiously resolving this litigation and the court’s interest in managing its docket, weigh in favor of dismissal. CKCC’s disregard of Judge Koppe’s orders delays this litigation and disrupts the court’s timely management of its docket. The third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption

1 of injury arises from the occurrence of unreasonable delay in prosecuting an action. *See Anderson v. Air*
2 *West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public policy favoring disposition of
3 cases on their merits—is greatly outweighed by the factors favoring dismissal; there can be no
4 disposition on the merits if CKCC never retains counsel.

5 The fifth factor requires me to consider less drastic alternatives to dismissal. However,
6 courts “need not exhaust every sanction short of dismissal before finally dismissing a case, but must
7 explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir.
8 1986). Under these facts, the court can do no more than order CKCC to retain counsel—for a fourth
9 time—so that it may continue to participate in this case. CKCC was adequately warned that a
10 corporation may appear in the federal courts only through licensed counsel and failure to meet its
11 obligation to retain counsel would result in dismissal. ECF Nos. 4, 6, 7. Because CKCC has been
12 unable or unwilling to comply, and is still without counsel, dismissal is warranted here.

13 **II. Conclusion**

14 IT IS HEREBY ORDERED that the magistrate judge’s report and recommendation [ECF
15 No. 8] is accepted and adopted in its entirety. This action is dismissed without prejudice based on
16 Center Khurasan Construction Company’s failure to comply with the court’s orders. The Clerk of
17 Court is directed to close this case.

18 Dated: June 17, 2025

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21 Cristina D. Silva
22 United States District Judge
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